IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2477 OF 2005

IN

SUIT NO.2319 OF 2005

1.Gurpreet Kamaljeet & others. ...Plaintiffs.

vs.

1.Shri.Juhu Scheme Jain Sangh & others. ...Defendants.

Mr.P.K.Samdhani i/b. Shiralkar & Co., for Plaintiffs.

Mr.Kunal Cheema i/b. Y.M.Choudhary, for Defendant nos.1 to 18.

CORAM: D.K.DESHMUKH,J.

DATED: 2nd April, 2007.

P.C.:-

By consent of parties, the notice of motion is disposed of in the following terms:-

1. The learned Counsel appearing for defendants 1 to 18

states that the defendants shall not erect any structure covering the compulsory open spaces in the compound of the building known as “Pleasant Palace” situated at Plot no.4, JVPD Scheme, North-South Road no.5, Vile Parle (West), Mumbai 400056, and shall not hold any assembly and/or meetings and discourses in the compound of the above said building, and shall not obstruct or prevent free ingress and egress of the plaintiffs and their visitors and their vehicles in the compound of the said building, for the purpose of accessing their flats and their parking spaces, and also shall not obstruct or prevent the plaintiffs from using their parking spaces for parking of vehicles and/or for otherwise using the compulsory open spaces, without applying and without seeking permission of defendant no.19 Corporation.

2. He further states that the defendant nos.1 to 18 when they make an application to the Corporation for any permission, they will serve copy of that application on the plaintiffs and in case the permission is granted, they will put up a temporary shed only after expiry of period of one week from the date of granting of the permission.

3. The defendant no.19 Bombay Municipal Corporation is directed that in case an application is made by the defendant nos. 1 to 18 for any permission, the Corporation shall decide it in accordance

with law, after granting the plaintiffs an opportunity of being heard. In case the Corporation decides to grant permission, the permission shall be made effective only after expiry of period of one week from the date on which the order granting permission is communicated by the Corporation to the plaintiffs.

4. The learned Counsel appearing for defendant nos. 1 to 18 further states that they will not use any loudspeaker or any public address system with speakers without obtaining due permission from the Authority and that in case they make any application to the Authority for that purpose, they will serve copy of that application on the plaintiffs immediately, so that the plaintiffs can approach that Authority for giving an opportunity of being heard.

Notice of motion is disposed of.